

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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ANTHONY DARRELL HEATH,	:	
Plaintiff,	:	
	:	
v.	:	Civil No. 5:20-cv-03722-JMG
	:	
SUPERINTENDENT,	:	
<i>SCI Mahanoy,</i>	:	
Defendant.	:	

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**ORDER**

**AND NOW**, this 13<sup>th</sup> day of August 2024, upon consideration of Petitioner's Petition for Writ of Habeas Corpus (ECF No. 1), Respondent's Responses in Opposition (ECF Nos. 19, 66), The Report and Recommendation by Magistrate Judge Lynne A. Sitarski (ECF No. 89), Petitioner's Motion for Relief Pursuant to *Schlup* (ECF No. 92), Respondent's Response to Motion for Relief (ECF No. 101), Petitioner's Response to Respondent's Response (ECF No. 112), Petitioner's Motion for Collateral Estoppel (ECF No. 113), Magistrate Judge Lynne A. Sitarski's Second Report and Recommendation (ECF No. 114), and Petitioner's Objections (ECF Nos. 120, 121), **IT IS HEREBY ORDERED** as follows:

1. The Reports and Recommendations (ECF Nos. 89, 114) are **APPROVED** and **ADOPTED**.<sup>1</sup>
2. Petitioner's Objections are **OVERRULED**.
3. The Petition for Writ of Habeas Corpus (ECF No. 1), Motion for Relief Pursuant to *Schlup* (ECF No. 92), and Motion for Collateral Estoppel (ECF No. 113) are **DENIED**.

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<sup>1</sup> The Court agrees with Judge Sitarski's finding that Petitioner's habeas claim is procedurally defaulted. Additionally, Petitioner fails to provide new and reliable evidence to satisfy *Schlup*

4. The Clerk of Court is **DIRECTED** to mark this case **CLOSED**.

BY THE COURT:

/s/ John M. Gallagher  
JOHN M. GALLAGHER  
United States District Court Judge